

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 25, 2000

D033747 Golden Eagle Insurance Corporation v. Kinlocke Services, Inc. et al.

D036388 Golden Eagle Insurance Corporation v. Kinlocke Services, Inc. et al.

In accordance with this court's opinion filed September 25, 2000, the appeal of Smith & Sons Enterprises, Inc. is severed from that of the other defendants and assigned Court of Appeal case number D036388.

D033747 Golden Eagle Insurance Corporation v. Kinlocke Services, Inc. et al.

In accordance with this court's order of July 27, 2000, staying this appeal as to Smith & Sons under title 11 United States Code section 362, Smith & Son's appeal is severed from that of the other defendants. As to the other defendants, the judgment is modified to reflect our decision to reduce the award of punitive damages against Reginald Smith to \$30,000. (Las Palmas Associates v. Las Palmas Center Associates, supra, 235 Cal.App.3d 1220, 1260.) The judgment is affirmed as modified and the order denying JNOV is affirmed. Golden Eagle is awarded its costs on appeal. McIntyre, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D035111 Gamble et al. v. Board of Retirement of the San Diego County Employees' Retirement Association et al.

The order is reversed to the extent it provides that "no further interest shall be charged or collected on the collection of the 'conversion cost' for any" plaintiff. The remainder of the order is affirmed. The parties shall bear their own costs on appeal. Kremer, P.J.; We Concur: Benke, J., McDonald, J.

D036235 In re Anias L. et al., Juveniles

The attorney for petitioner Kathleen L. has notified the court on behalf of the petitioner that a Petition of Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D033262 People v. Gilliam

Judgment affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D033858 Settimo Associates v. Manufacturers Life Insurance Company (U.S.A.)

The order granting MLIC's motion for summary adjudication is reversed. A triable issue of fact exists concerning the damages resulting from MLIC's breach of contract. The order denying Settimo summary adjudication is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 26, 2000

D035176 Rice v. Harbor View Medical Center et al.

Upon written stipulation filed by the parties, the appeal and cross-appeals are dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)). Each party shall bear own costs.

D034239 People v. McClellan

Judgment affirmed. Benke, Acting P.J.; We Concur: Nares, J., McIntyre, J.

D035315 Martin v. Wiles

The judgment is reversed. Costs are awarded to appellant. McIntyre, J.; We Concur: Work, Acting P.J., Huffman, J.

D036317 Smann v. Superior Court of San Diego County/People

The petition is denied.

D034918 People v. Shealey

Judgment affirmed. Haller, J.; We Concur: Benke, Acting P.J., Nares, J.

D034298 People v. Tone

The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., McIntyre, J.

D032968 Freel v. Unidyne Corporation et al.

The judgment is affirmed. Benke, J. We Concur: Kremer, P.J., Work, J.

D033265 People v. Gorman

D035273 In re Gorman on Habeas Corpus

The petition for writ of habeas corpus In re Gorman, D035273, is consolidated with the appeal People v. Gorman, D033265, for disposition.

D033265 People v. Gorman

D035273 In re Gorman on Habeas Corpus

The judgment is affirmed. The habeas corpus petition is denied. Kremer, P.J.; We Concur: Work, J., O'Rourke, J.

D034854 People v. Cowherd

The judgment is affirmed. McIntyre, J.; We Concur: Benke, J., Haller, J.

D032903 Frank v. Frank

Judgment affirmed. Each party to bear their own costs of appeal. Benke, J.; We Concur: Nares, J., McDonald, J.

D032933 People v. Wyatt

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., McDonald, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 26, 2000 (Continued)

D033085 Garabedian et al. v. Kolodny & Pressman et al.

D033634 Garabedian et al. v. Kolodny & Pressman et al.

The judgment as to Kolodny and Miller is affirmed. Kolodny and Miller shall recover attorney fees and costs on appeal and the matter is remanded to the superior court for determination of such award. The judgment as to McCormick is reversed, the order granting McCormick attorney fees and costs vacated and the matter remanded to the superior court for further proceedings. O'Rourke, J.;

We Concur: Work, Acting P.J., McDonald, J.

D035660 People v. Mills

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 38).

D034919 People v. Chamberlain

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

D033183 People v. Reese

The judgment is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., Haller, J.

D032848 People v. Palacios

Judgment affirmed. O'Rourke, J.; I Concur: Kremer, P.J.; I respectfully dissent: McDonald, J.

D034549 In re coordinated Latex Glove Litigation Kristen Clark v. Baxter Healthcare Corporation et al.

The summary judgment entered in favor of defendants is reversed. Costs are awarded to plaintiff. CERTIFIED FOR PUBLICATION. Huffman, J.; We Concur: Kremer, P.J., Nares, J.

D033814 Faulds v. Union Bank of California

The judgment is affirmed. Bank is to recover costs on appeal. O'Rourke, J.; We Concur: Work, Acting P.J., Haller, J.

D036228 Leuthold v. Superior Court of San Diego County/Leary

At the request of petitioner, the petition for writ of mandate is dismissed.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 27, 2000

D036048 In re Lanette W., a Juvenile

The appeal is dismissed. Huffman, Acting P.J.; We Concur: Nares, J., McDonald, J.

D036097 In re La'Moshane M., a Juvenile

The appeal is dismissed. Huffman, Acting P.J.; We Concur: Nares, J., McDonald, J.

D034227 Scripps Health v. Andros International, Inc.

The July 2 judgment, as corrected on August 13, is affirmed. Andros to bear costs on appeal. Haller, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D033992 People v. Bhatt

The judgment is reversed. Work, J.; We Concur: Kremer, P.J., Benke, J. (opinion)

D035912 Linda S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Nares, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D034362 Bartell Hotels v. California Unemployment Insurance Appeals Board

Judgment affirmed. Hotel to bear costs on appeal. Haller, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D035294 In re Jean S., a Juvenile

The order is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Huffman, J.

D033079 TCR Services, Inc. v. ECO Imaging et al.

The judgment is affirmed. Costs on appeal are awarded to Meader. McIntyre, J.; We Concur: Huffman, Acting P.J., Haller, J.

D035883 San Diego Unified School District v. Workers' Compensation Appeals Board and Suzanne Jakaitis

The petition is denied. Jakaitis's request for costs is denied.

D032488 People v. Robles, Jr.

Opinion dated August 28, 2000 is modified. There is no change in judgment. Appellant's petition for rehearing is denied.

D036440 Band v. Superior Court of San Diego County/People

The petition is denied.

D032878 Golden Eagle Insurance Company et al. v. Insurance Company of the West et al.

The judgment is reversed and remanded with directions to enter judgment in favor of ICW and Liberty. ICW and Liberty shall recover costs on appeal. McDonald, J.; We Concur: Nares, Acting P.J., McIntyre, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 28, 2000

D036092 In re Christian B., a Juvenile

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 38).

D036391 People v. Cory

Appellant properly sought review in the Appellate Department of Superior Court. In that appellant does not meet the requirements for transfer to this court (California Rules of Court, rules 61-69), the appeal is dismissed.

D033433 Melez v. Bristol-Myers Squibb Company et al.

The appeal is dismissed. Each party to bear its own cost on appeal. Benke, Acting P.J.;
I Concur: McDonald, J., I concur in the result: Huffman, J.

D035561 In re D.B., a Juvenile

The judgment is affirmed. Haller, J.; We Concur: Work, Acting P.J., O'Rourke, J.

D035186 In re Selena F., a Juvenile

The judgment is affirmed. McDonald, J.; We Concur: Work, Acting P.J., Nares, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

September 29, 2000

D034411 Neilsen Dillingham Builders v. The City of San Diego

The judgment is reversed. Appellants are entitled to costs on appeal. McDonald, J.;
We Concur: Benke, J., Nares, J.

D034530 Kidder v. Grossmont Union High School District et al.

The judgment is affirmed. Costs are awarded to respondents. Huffman, Acting P.J.;
We Concur: Haller, J., McIntyre, J.

D032813 People v. Jackson

D035960 In re Jackson on Habeas Corpus

The pending petition for writ of habeas corpus, *In re Paul Roger Jackson*, D035960, is consolidated with
the pending appeal, *People v. Jackson*, D032813, for disposition.

D032813 People v. Jackson

D035960 In re Jackson on Habeas Corpus

The judgment is affirmed; the petition is denied. Kremer, P.J.; We Concur: Work, J., Huffman, J.

Moskowitz et al. v. Superior Court of San Diego County/Beutler et al.

The petition is denied.

D034584 In re Thaniel M. a Juvenile

The petition for rehearing is denied.

D036460 Kapuscinski v. Superior Court of San Diego County/People

The motion to deem the petition and companion documents filed as of September 25, 2000, is denied.
(See *W.J. White Co. v. Winton* (1919) 41 Cal.App. 693.) The petition is dismissed as untimely under
Penal Code 1538.5, subdivision (i).

**D036159 Jirah Services Company et al. v. Superior Court of San Diego County/Full-Swing,
Inc. et al.**

The petition is denied.

D035998 In re D'Apice on Habeas Corpus

The petition is denied.

D036008 In re Whipple on Habeas Corpus

The petition is denied.

D035476 Lammers v. San Diego County Superior Court/Lammers

The petition is denied. Each party to bear its own costs. CERTIFIED FOR PUBLICATION. Work, J.;
We Concur: Kremer, P.J., Haller, J